

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	1:02-CR-18-4 (CC)
)	
JAVADO BARNER)	
_____)	

REQUEST FOR HEARING

COMES NOW JAVADO BARNER, by and through the undersigned attorney, and respectfully requests that this Honorable Court grant him an EVIDENTIARY HEARING in accordance with the opinion issued by the Eleventh Circuit Court of Appeals in United States v. Barner, 441 F.3d 1310 (11th Cir. 2006). Specifically, Defendant requires said hearing for the purpose of presenting additional evidence and argument in support of his [remaining] claim

of actual vindictiveness.

Dated: This 8th day of November, 2006.

Respectfully submitted,

s/ L. Burton Finlayson

L. BURTON FINLAYSON
Attorney for JAVADO BARNER
Georgia Bar Number: 261460

LAW OFFICES OF
L. BURTON FINLAYSON
ATTORNEY AT LAW
931 Ponce de Leon Avenue, NE
Atlanta, Georgia 30306
(404) 872-0560

CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the foregoing Request for Hearing with the Clerk of Court using the CM/ECF system which will automatically send email notifications of such filing to the following:

Ms. Mary Jane Stewart, and
Ms. Yonette Sam-Buchanan
Assistant United States Attorney
600 Richard B. Russell Building
75 Spring Street, S. W.
Atlanta, Georgia 30303

DATED: This 8th day of November, 2006.

s/ L. Burton Finlayson
L. BURTON FINLAYSON
ATTORNEY FOR JAVADO BARNER
State Bar Number: 261460

